



R. Scott Thompson

Member of the Firm

Tel 973 597 2532

Fax 973 597 2533

sthompson@lowenstein.com

August 9, 2012

VIA ECF

Hon. Kevin McNulty, U.S.D.J.
United States District Court
District of New Jersey
M.L. King, Jr. Federal Building & U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07101

Re: BanxCorp v. Bankrate, Inc.
Docket No. 07-3398

Dear Judge McNulty:

This firm represents Defendant Bankrate, Inc. ("Bankrate") in the referenced action. On August 6, 2012 Plaintiff BanxCorp filed its Sixth Amended Complaint ("6AC"). Because BanxCorp has failed to remedy the pleading deficiencies identified in Judge Salas' July 30, 2012 Opinion, Bankrate intends to move to dismiss a portion of the 6AC.

Bankrate's motion is currently due on August 20, 2012. We respectfully request that the Court extend that deadline to September 7, 2012 as my colleagues here at Lowenstein who work on this case and I have schedule conflicts that will make it impossible to meet the current deadline. Plaintiff BanxCorp objects to this request and reserves its right to move for sanctions if Bankrate files a motion to dismiss. In addition, Bankrate respectfully requests that it be permitted to answer the 6AC after the Court decides its motion to dismiss.

We thank Your Honor for all courtesies.

Respectfully submitted,

R. Scott Thompson

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cc: All Counsel of Record (via ECF)